

## UNITED STATES DISTRICT COURT

for the

Northern District of Texas



Division

CLERK US DISTRICT COURT  
NORTHERN DIST. OF TX  
FILED

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DEPUTY CLERK

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Leslie Faye Lea

Case No.

**3-21CV2002-D**

(to be filled in by the Clerk's Office)

Plaintiff(s)

(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

-v-

Jury Trial: (check one) ☐ Yes ☒ No

Nissan Motor Acceptance Corporation

Defendant(s)

(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

## COMPLAINT FOR EMPLOYMENT DISCRIMINATION

## I. The Parties to This Complaint

## A. The Plaintiff(s)

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name	LESLIE LEA
Street Address	301 RAVENNA RD
City and County	LAKE DALLAS
State and Zip Code	TX 75065
Telephone Number	2023213271
E-mail Address	LESLIE.LEA27@GMAIL.COM

## B. The Defendant(s)

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. For an individual defendant, include the person's job or title (if known). Attach additional pages if needed.

## Defendant No. 1

Name  
 Job or Title (if known)  
 Street Address  
 City and County  
 State and Zip Code  
 Telephone Number  
 E-mail Address (if known)

Nissan Motor acceptance corp  
 Kelly Catherine - paralegal  
 PO Box 685001  
 Franklin  
 TN 37068  
 8900 Freepoint Parkway

## Defendant No. 2

Name  
 Job or Title (if known)  
 Street Address  
 City and County  
 State and Zip Code  
 Telephone Number  
 E-mail Address (if known)

Jason Gering  
 Supervisor  
 8900 Freepoint Parkway  
 Irving Dallas  
 TX 75063  
 972 429 7214

## Defendant No. 3

Name  
 Job or Title (if known)  
 Street Address  
 City and County  
 State and Zip Code  
 Telephone Number  
 E-mail Address (if known)

Anna Smith  
 VP collections  
 8900 Freepoint Parkway  
 Irving Dallas  
 TX 75063  
 972 429 7214

## Defendant No. 4

Name  
 Job or Title (if known)  
 Street Address  
 City and County  
 State and Zip Code  
 Telephone Number  
 E-mail Address (if known)

**C. Place of Employment**

The address at which I sought employment or was employed by the defendant(s) is

Name	Nissan Motor Acceptance Corporation
Street Address	8800 Freeport Parkway
City and County	Irving Dallas
State and Zip Code	TX 75063
Telephone Number	(972) 929-7214

**II. Basis for Jurisdiction**

This action is brought for discrimination in employment pursuant to *(check all that apply)*:

☐

Title VII of the Civil Rights Act of 1964, as codified, 42 U.S.C. §§ 2000e to 2000e-17 (race, color, gender, religion, national origin).

*(Note: In order to bring suit in federal district court under Title VII, you must first obtain a Notice of Right to Sue letter from the Equal Employment Opportunity Commission.)*

☒

Age Discrimination in Employment Act of 1967, as codified, 29 U.S.C. §§ 621 to 634.

*(Note: In order to bring suit in federal district court under the Age Discrimination in Employment Act, you must first file a charge with the Equal Employment Opportunity Commission.)*

☒

Americans with Disabilities Act of 1990, as codified, 42 U.S.C. §§ 12112 to 12117.

*(Note: In order to bring suit in federal district court under the Americans with Disabilities Act, you must first obtain a Notice of Right to Sue letter from the Equal Employment Opportunity Commission.)*

☐

Other federal law *(specify the federal law)*:

☐

Relevant state law *(specify, if known)*:

☐

Relevant city or county law *(specify, if known)*:

**III. Statement of Claim**

Write a short and plain statement of the claim. Do not make legal arguments. State as briefly as possible the facts showing that each plaintiff is entitled to the damages or other relief sought. State how each defendant was involved and what each defendant did that caused the plaintiff harm or violated the plaintiff's rights, including the dates and places of that involvement or conduct. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

A. The discriminatory conduct of which I complain in this action includes *(check all that apply)*:

- ☐ Failure to hire me.
- ☒ Termination of my employment.
- ☐ Failure to promote me.
- ☒ Failure to accommodate my disability.
- ☒ Unequal terms and conditions of my employment.
- ☒ Retaliation.
- ☐ Other acts *(specify)*: \_\_\_\_\_

*(Note: Only those grounds raised in the charge filed with the Equal Employment Opportunity Commission can be considered by the federal district court under the federal employment discrimination statutes.)*

B. It is my best recollection that the alleged discriminatory acts occurred on date(s)  
01/29/2018 through 08/08/2018

C. I believe that defendant(s) *(check one)*:

- ☐ is/are still committing these acts against me.
- ☒ is/are not still committing these acts against me.

D. Defendant(s) discriminated against me based on my *(check all that apply and explain)*:

- ☒ race \_\_\_\_\_
- ☐ color \_\_\_\_\_
- ☐ gender/sex \_\_\_\_\_
- ☐ religion \_\_\_\_\_
- ☐ national origin \_\_\_\_\_
- ☒ age *(year of birth)* 1958 *(only when asserting a claim of age discrimination.)*
- ☒ disability or perceived disability *(specify disability)*  
I was deemed permanently disabled by the Social Secu \_\_\_\_\_

E. The facts of my case are as follows. Attach additional pages if needed.

I was deemed to be permanently disabled in 2014 by The Social Security Administration, after being diagnosed with Osteo Arthritis and Severe Depressive Disorder. I underwent total knee replacement for both knees in 2016, and right hip replacement in 2015. I underwent intense therapy for depression and grief counseling after the loss of my 28 year old daughter on 08/12/2013. In late 2017, I received a right to work letter from Social Security, and started looking for employment. A recruiting agency Kelly Services contacted me and after an intense interview process and back ground check, I was offered a position of Late Stage Collections Specialist, and started working for Nissan on 01/28/2018. I had disclosed my disabilities and completed the training process with flying colors. I requested reasonable accommodations for handicapped parking on 02/03/2018, due to having problems with finding a place to

*(Note: As additional support for the facts of your claim, you may attach to this complaint a copy of your charge filed with the Equal Employment Opportunity Commission, or the charge filed with the relevant state or city human rights division.)*

#### IV. Exhaustion of Federal Administrative Remedies

- A. It is my best recollection that I filed a charge with the Equal Employment Opportunity Commission or my Equal Employment Opportunity counselor regarding the defendant's alleged discriminatory conduct on (date) September 14, 2018

- B. The Equal Employment Opportunity Commission (check one):

☐

has not issued a Notice of Right to Sue letter.

☒

issued a Notice of Right to Sue letter, which I received on (date) 06/04/2021.

*(Note: Attach a copy of the Notice of Right to Sue letter from the Equal Employment Opportunity Commission to this complaint.)*

- C. Only litigants alleging age discrimination must answer this question.

Since filing my charge of age discrimination with the Equal Employment Opportunity Commission regarding the defendant's alleged discriminatory conduct (check one):

☒

60 days or more have elapsed.

☐

less than 60 days have elapsed.

#### V. Relief

State briefly and precisely what damages or other relief the plaintiff asks the court to order. Do not make legal arguments. Include any basis for claiming that the wrongs alleged are continuing at the present time. Include the amounts of any actual damages claimed for the acts alleged and the basis for these amounts. Include any punitive or exemplary damages claimed, the amounts, and the reasons you claim you are entitled to actual or punitive money damages.

Back pay from the date of termination until I was able to find comparable employment in 12/2020. approximately 3.5 years at 49100.00 per year or \$172000.00.

1739.00 x 24 months. I cancelled social security disability due to employment. Took 10 months to get it back. Home went into foreclosure. Had to file chapter 13

## VI. Certification and Closing

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

### A. For Parties Without an Attorney

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing: 07/25/2021

Signature of Plaintiff

Printed Name of Plaintiff

Leslie Lea

### B. For Attorneys

Date of signing: \_\_\_\_\_

Signature of Attorney

Printed Name of Attorney

Bar Number

Name of Law Firm

Street Address

State and Zip Code

Telephone Number

E-mail Address

**CHARGE OF DISCRIMINATION**

This form is affected by the Privacy Act of 1974. See enclosed Privacy Act Statement and other information before completing this form.

Charge Presented To: Agency(ies) Charge No(s):

☒ FEPA  
☒ EEOC

**Texas Workforce Commission, Civil Rights Division**

and EEOC

State or local Agency, if any

Name (Indicate Mr., Ms., Mrs.)

**Ms. Leslie Lea**

Home Phone (Incl. Area Code)

**(202) 321-3271**

Date of Birth

**02/27/1958**

Street Address

**301 Ravenna Rd.**

City, State and ZIP Code

**Lake Dallas, Texas 75065**

Named is the Employer, Labor Organization, Employment Agency, Apprenticeship Committee, or State or Local Government Agency That I Believe Discriminated Against Me or Others. (If more than two, list under PARTICULARS below.)

Name

**Nissan Motor Acceptance Corporation**

No. Employees, Members

**1,000 +**

Phone No. (Include Area Code)

**(972) 929-7214**

Street Address

**8900 Freepoint Pkwy.**

City, State and ZIP Code

**Irving, Texas 75063**

Name

No. Employees, Members

Phone No. (Include Area Code)

Street Address

City, State and ZIP Code

DISCRIMINATION BASED ON (Check appropriate box(es).)

☐ RACE ☐ COLOR ☐ SEX ☐ RELIGION ☐ NATIONAL ORIGIN  
☒ RETALIATION ☒ AGE ☒ DISABILITY ☐ GENETIC INFORMATION  
☐ OTHER (Specify)

DATE(S) DISCRIMINATION TOOK PLACE

Earliest

Latest

**02/2018****08/07/2018**☒

CONTINUING ACTION

THE PARTICULARS ARE (If additional paper is needed, attach extra sheet(s)):

**Statement of Harm:** Nissan Motor Acceptance Corporation (hereinafter referred to as "NMAC") subjected me to disparate and discriminatory treatment with regard to my age and disability. Specifically, throughout my employment with NMAC, Jason Perry (Supervisor) targeted me and suggested that I was "...too old," for my position made baseless accusations that I "...did not respect others, because of my age." Mr. Perry's accusations were entirely without merit and throughout my employment with NMAC, I never received any disciplinary action and/or poor work performance evaluations outlining any "disrespect for others." Additionally, shortly after commencing my employment with NMAC, I escalated my concerns with regard to a handicap parking spot and requested the reasonable accommodation of such. I provided the necessary medical documentation outlining my need (as a result of my disability); nevertheless, NMAC denied my request for reasonable accommodations. Thereafter, I filed an ethics complaint regarding NMAC's failure to provide a reasonable accommodation pursuant to my disability and was subsequently told that I "...needed to arrive earlier," or "...sleep in my car," to procure a suitable parking spot. NMAC continued to place unreasonable demands, outside the scope of my accommodations' request, and insisted that I work without any accommodations. Subsequently, NMAC terminated my employment following an instance wherein I was forced to leave work early. Prior to such, I have never received any disciplinary action and/or issues with regard to my attendance; nevertheless, NMAC used the singular, isolated incident as pretext to justify my wrongful termination as a result of the aforementioned discrimination.

**Statement of Discrimination:** Based on the foregoing, I believe I have been discriminated against because of my age and disability in violation of the Age Discrimination in Employment Act of 1967 and the Americans with Disabilities Act of 1990, as amended.

I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.

I declare under penalty of perjury that the above is true and correct.

NOTARY - When necessary for State and Local Agency Requirements

I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief.

SIGNATURE OF COMPLAINANT

SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE  
(month, day, year)

Date

Charging Party Signature

## U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

**DISMISSAL AND NOTICE OF RIGHTS**

To: **Leslie Lea**  
**301 Ravenna Rd**  
**Lake Dallas, TX 75065**

From: **Dallas District Office**  
**207 S. Houston St. 3rd Floor**  
**Dallas, TX 75202**

☐

On behalf of person(s) aggrieved whose identity is  
**CONFIDENTIAL (29 CFR §1601.7(a))**

EEOC Charge No.

EEOC Representative

Telephone No.

**450-2018-07437**

**Avie Murrell,**  
**Investigator**

**(972) 918-3587****THE EEOC IS CLOSING ITS FILE ON THIS CHARGE FOR THE FOLLOWING REASON:**☐

The facts alleged in the charge fail to state a claim under any of the statutes enforced by the EEOC.

☐

Your allegations did not involve a disability as defined by the Americans With Disabilities Act.

☐

The Respondent employs less than the required number of employees or is not otherwise covered by the statutes.

☐

Your charge was not timely filed with EEOC; in other words, you waited too long after the date(s) of the alleged discrimination to file your charge

☒

The EEOC issues the following determination: The EEOC will not proceed further with its investigation, and makes no determination about whether further investigation would establish violations of the statute. This does not mean the claims have no merit. This determination does not certify that the respondent is in compliance with the statutes. The EEOC makes no finding as to the merits of any other issues that might be construed as having been raised by this charge.

☐

The EEOC has adopted the findings of the state or local fair employment practices agency that investigated this charge.

☐

Other (briefly state)

**- NOTICE OF SUIT RIGHTS -**

(See the additional information attached to this form.)

**Title VII, the Americans with Disabilities Act, the Genetic Information Nondiscrimination Act, or the Age Discrimination in Employment Act:** This will be the only notice of dismissal and of your right to sue that we will send you. You may file a lawsuit against the respondent(s) under federal law based on this charge in federal or state court. Your lawsuit must be filed **WITHIN 90 DAYS** of your receipt of this notice; or your right to sue based on this charge will be lost. (The time limit for filing suit based on a claim under state law may be different.)

**Equal Pay Act (EPA):** EPA suits must be filed in federal or state court within 2 years (3 years for willful violations) of the alleged EPA underpayment. This means that **backpay due for any violations that occurred more than 2 years (3 years) before you file suit may not be collectible.**

On behalf of the Commission

*Belinda F. McCallister for*

05-27-2021

Enclosures(s)

**Belinda F. McCallister,**  
**District Director**

(Date Issued)

cc:

**Roidy Catherine, Senior Paralegal**  
**NISSAN GROUP OF NORTH AMERICA**  
**P.O. Box 685001**  
**Franklin, TN 37068**